

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA
(PHILADELPHIA)**

In re: :
Christopher J Fraser : Case No.: 18-14958
: Chapter 13
: Judge Jean K. FitzSimon
Debtor(s) : *
Wells Fargo Bank, N.A., d/b/a Wells : Date and Time of Hearing
Fargo Auto : Place of Hearing
: Movant, : July 31, 2019 at 09:30 a.m.
vs :
Christopher J Fraser : U.S. Bankruptcy Court
: 900 Market Street, Courtroom #3
: Philadelphia, PA, 19107
Scott Waterman :
Respondents.

**MOTION FOR RELIEF FROM THE AUTOMATIC STAY TO PERMIT WELLS
FARGO BANK, N.A., D/B/A WELLS FARGO AUTO TO REPOSSESS 2014 MAZDA
MAZDA 3 VIN# JM1BM1V71E1212075**

Wells Fargo Bank, N.A., d/b/a Wells Fargo Auto (the "Creditor") moves this Court, under Bankruptcy Code §§ 361, 362, 363, and other sections of Title 11 of the United States Code, and under Federal Rules of Bankruptcy Procedure 4001 and 6007 for an order conditioning, modifying, or dissolving the automatic stay imposed by Bankruptcy Code § 362 and avers as follows:

1. This is an action arising pursuant to a case under Title 11 of the United States Code.
2. Creditor is a lending institution duly authorized to conduct business in the Commonwealth of Pennsylvania.
3. Creditor is a party-in-interest in the above referenced Bankruptcy matter as it is a secured creditor of the Debtor.

4. Christopher J Fraser ("Debtor") filed a voluntary petition for relief under Chapter 7 of the Bankruptcy Code on July 27, 2018, the voluntary petition converted under Chapter 13 of the Bankruptcy Code on September 27, 2018 ("Petition").

5. Debtor is currently obligated to Wells Fargo Bank, N.A., d/b/a Wells Fargo Auto, under the terms of a certain Retail Installment Sale Contract - Simple Finance Charge (with Arbitration Provision), dated October 6, 2017, in the original principal amount of \$11,952.00 executed by Debtor (hereinafter "Contract") for the purchase of a 2014 Mazda Mazda 3, VIN# JM1BM1V71E1212075 (the "Collateral"), attached hereto as Exhibit "A".

6. As security for repayment of the Note, Debtor caused the title to the Collateral to be delivered to Creditor. As a result, Creditor is the holder of a security interest encumbering the Collateral. A copy of the Commonwealth of Pennsylvania Certificate of Title for a Vehicle (the "Title") is attached hereto as Exhibit "B".

7. Creditor's best information is that there is no other entity claiming a lien on the Collateral.

8. Debtor is in default by failing to make payments as required by the Contract. The loan is post-petition due for August 2018 through June 2019, for a total post-petition default of \$3,196.38.

9. The total loan balance due to Creditor is \$12,213.71, as of the June 12, 2019.

10. The value of the Collateral is \$10,000.00 according to the NADA Used Cars/Trucks value. A copy of the NADA Used Cars/Trucks value is attached as Exhibit "C".

11. Debtor has no equity in the Collateral and the Collateral is not needed by Debtor for reorganization. Based upon the lack of equity in the Collateral, Creditor asserts that it is burdensome and of inconsequential value and benefit to the estate.

12. The automatic stay of Section 362 of the Bankruptcy Code should be terminated with respect to the interest of Wells Fargo Bank, N.A., d/b/a Wells Fargo Auto in the Collateral, pursuant to Section 362(d)(1).

WHEREFORE, Wells Fargo Bank, N.A., d/b/a Wells Fargo Auto respectfully requests this Honorable Court to enter an order terminating the Automatic Stay as it affects the interest of Wells Fargo Bank, N.A., d/b/a Wells Fargo Auto in the Collateral of the Debtor specifically identified in the Contract, and granting such other relief as this Honorable Court may deem just.

Respectfully submitted,

/s Karina Velter
Karina Velter, Esquire (94781)
Adam B. Hall (323867)
Sarah E. Barngrover (323972)
Manley Deas Kochalski LLC
P.O. Box 165028
Columbus, OH 43216-5028
Telephone: 614-220-5611
Fax: 614-627-8181
Attorneys for Creditor
The case attorney for this file is Karina Velter.
Contact email is kvelter@manleydeas.com

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Motion for Relief from the Automatic Stay to permit Wells Fargo Bank, N.A., d/b/a Wells Fargo Auto to repossess 2014 Mazda Mazda 3, VIN# JM1BM1V71E1212075 was served on the parties listed below via e-mail notification:

United States Trustee, Office of the U.S. Trustee, 833 Chestnut Street, Suite 500, Philadelphia, PA 19107

Scott Waterman, Chapter 13 Trustee, Chapter 13 Trustee, 2901 St. Lawrence Ave., Reading, PA 19606

Brad J. Sadek, Attorney for Christopher J Fraser, Sadek and Cooper, 1315 Walnut Street, Suite 502, Philadelphia, PA 19107, brad@sadeklaw.com

The below listed parties were served via regular U.S. Mail, postage prepaid, on June 8, 2019:

Christopher J Fraser, 3448 Ryan Avenue, First Floor, Philadelphia, PA 19136

Christopher John Fraser, 1970 Veterans HWY, Apt H1, Levittown, PA 19056

DATE: July 8, 2019

/s Karina Velter

Karina Velter, Esquire (94781)
Adam B. Hall (323867)
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